

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER RAPER
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: KEVIN KEYT

DATE: JUNE 11, 2015

RE: IDAHO POWER, AVISTA, AND ROCKY MOUNTAIN POWER TARIFF
REVISIONS TO IMPLEMENT THE RECENT AMENDMENT TO IDAHO
CODE § 61-119, CASE NO. GNR-E-15-02.

Idaho Power, Avista Corporation, and Rocky Mountain Power recently filed tariff advices that seek to modify their tariffs to comply with the Legislature's 2015 amendments to Idaho Code § 61-119 (defining "electrical corporation"). Staff recommends that the Commission issue an Order approving the tariff modifications effective July 1, 2015.

BACKGROUND

Generally, the Public Utilities Law sets out a two-part test for determining what conduct defines a "public utility": 1) any person or corporation that provides utility service (such as electricity); and 2) for compensation in Idaho. Idaho Code § 61-129. With the advent of electric vehicles, concerns arose about whether persons or entities that "sell" electricity to re-charge the batteries of electric vehicles might unintentionally become public utilities subject to Commission regulation. Earlier this year, the Legislature passed House Bill (HB) 185 to preclude companies that own or operate electric-vehicle charging stations from being Commission-regulated public utilities. *See* HB 185, Statement of Purpose. In summary, HB 185 amends Section 61-119's definition of "electrical corporation" by creating an exception for those companies that purchase electricity "from a public utility . . . to charge the batteries of an electric motor vehicle as provided by order or rule of the commission." This amendment takes effect on July 1, 2015.

THE TARIFF ADVICES

On May 28, 2015, Idaho Power filed modifications to Tariff Schedule No. 101. The tariff revision modifies the “Limitation of Use” provision of Rule C to comply with the recent amendment to Section 61-119. Idaho Power has requested that the revised Schedule modifying the “Limitation of Use” provision of Rule C become effective on July 1, 2015.

On June 4, 2015, Avista filed modifications to its Tariff Schedule No. 70. The tariff revision modifies the “Supply and Use of Service” section to incorporate the amendment to Section 61-119. Avista also incorporated one minor housekeeping change to the proposed tariff sheet. Avista has requested that the revised Schedule modifying the “Supply and Use of Service” be approved with a July 1, 2015 effective date.

On June 9, 2015, Rocky Mountain Power filed modifications to its Tariff Schedule No. 1. The tariff revision modifies the “Customer’s Use of Service” provision to comply with the recent amendment to Section 61-119. Rocky Mountain has requested that the revised Schedule modifying the “Customer’s Use of Service” provision be approved with a July 1, 2015 effective date.

STAFF REVIEW AND RECOMMENDATION

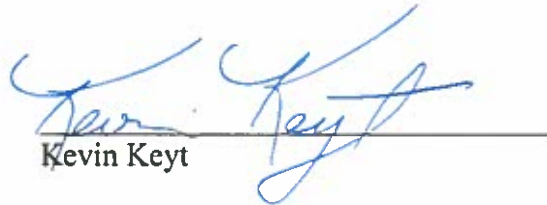
Staff reviewed the three utilities’ revised Schedules and finds them in compliance with the amended Section 61-119. Given that the amendment requires the Commission to issue a rule or Order, Staff recommends that the Commission issue a generic order approving the Schedules with a July 1, 2015 effective date.

Avista and Rocky Mountain filed their new Tariff Schedules less than thirty days before the July 1, 2015 proposed effective date. Section 61-307 and Rule 134.02 generally prohibit tariff changes on less than 30 day’s notice “unless the Commission by order approves an earlier effective date for good cause shown.” Staff recommends that the Commission find good cause to make the Tariff Schedules effective July 1, 2015, because the proposed July 1 effective date for Avista’s and Rocky Mountain Power’s new Schedules coincides with the effective date of the new law.

COMMISSION DECISIONS

1. Does the Commission find that the proposed Tariff Schedules are reasonable and in accordance with the recent amendment to Section 61-119?

2. Does the Commission find “good cause” to approve Avista Corporation’s Tariff Schedule No.70, and Rocky Mountain Power’s Tariff Schedule No. 1 on less than 30-days notice?



Kevin Keyt

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